



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 N. HARBOR DR.
SAN DIEGO, CA 92132-0058

IN REPLY REFER TO:
COMNAVREGSWINST 5822.1G

N05HD

9 NOV 2005

COMNAVREGSW INSTRUCTION 5822.1G

From: Commander, Navy Region Southwest

Subj: SPECIAL ASSISTANT U.S. ATTORNEY

Ref: (a) SECNAVINST 5822.1A

(b) Consolidated Central Violations Bureau for Violations
Occurring in the Southern District of California

1. Purpose. To delineate the mission of the Special Assistant U.S. Attorney (SAUSA) assigned by Commander, Navy Region Southwest (CNRSW).

2. Cancellation. COMNAVREGSWINST 5822.1F.

3. Mission. To represent the U.S. Navy in criminal litigation in the U.S. District Court for the Southern District of California.

4. Background. Reference (a) assigns CNRSW responsibility for coordinating Navy assistance to the U.S. Attorney's office in suits involving the Navy, and ensuring effective representation of Navy interests in Federal Magistrate's Court.

5. Organization. The SAUSA shall be assigned by CNRSW (Commanding Officer, Region Legal Service Office Southwest/Legal Program Director), and designated as a SAUSA by the U.S. Attorney of the Southern District of California as authorized by the Attorney General of the United States.

6. Duties and Responsibilities of the Special Assistant U.S. Attorney. The SAUSA shall prosecute, with concurrence of the U.S. Attorney, criminal cases set out in reference (b). The SAUSA shall:

a. Screen all cases forwarded by San Diego area commands for potential disposition in Federal Magistrate's Court.

b. Provide guidance to area commands regarding prosecution in Federal Court.

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c. Prosecute cases in federal courts. Nothing contained herein shall be construed to countermand directives and protocols of higher authorities defining relationships between the U.S. Attorney, Federal Bureau of Investigation, other federal law enforcement agencies or the Naval Criminal Investigative Service.

d. Coordinate efforts, when appropriate, to inform San Diego area military commands of individuals who have been barred from one or more area installations.

e. Take all other actions necessary to effectively carry out the requirements of reference (a).

7. Responsibilities of Commands under the Regional Coordination Authority of Commander, Navy Region Southwest.

a. San Diego area commands shall be responsible for the timely forwarding of appropriate investigative reports to the SAUSA.

b. Commands shall issue magistrate citations in all cases except those explicitly directed by the SAUSA to receive a Notice to Appear (NTA).

(1) Federal citations (United States District Court Violation Notice, DD Form 1805) provide an effective and simple means of disposing of the more serious traffic offenses, as well as petty offenses (i.e., trespassing, drunk driving, etc.). It shall be the responsibility of the SAUSA to ensure local commands are advised of prevailing policy and law.

(2) The following commands in the Southern District of California are assigned the location codes listed below and are authorized to issue citations:

Location Codes

CS 3	Navy Outlying Field, Imperial Beach
CS 4	Naval Air Facility, El Centro
CS 6	Naval Base Coronado
CS 9	Fleet Anti-Submarine Warfare Training Center, Pacific
CS 11	Space and Naval Warfare Systems Center, San Diego
CS 12	Naval Base Point Loma

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CS 13	Naval Medical Center, San Diego
CS 17	Naval Base San Diego
CS 21	Naval Weapons Station, Seal Beach, Detachment Fallbrook

(3) In cases in which a determination has been made that an offense can be disposed of via citation, the staff judge advocate, legal officer or installation security officer shall ensure original citations, statements of probable cause and letters of transmittal are forwarded to the Central Violations Bureau within 15 days of the violation in accordance with reference (b). If this deadline cannot be met, the SAUSA shall be notified prior to the transmittal of the above documents to the Central Violations Bureau. After these documents have been forwarded to the Central Violations Bureau, the staff judge advocate, legal officer, or security officer shall ensure copies of the citation package along with any investigative reports are immediately forwarded to the SAUSA. The availability of all witnesses and evidence necessary to prove the charge contained in the citation must also be discussed.

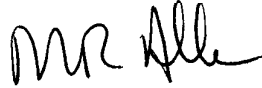
c. Reports of misdemeanors that cannot be disposed of via federal citations may be forwarded directly to the SAUSA. Reports of investigations concerning felonies will generally be forwarded by the Naval Criminal Investigative Service. However, in those felony cases where another agency has declined investigative jurisdiction or prosecution, or where the U.S. Attorney requests assistance, the case may be forwarded to the SAUSA.

d. Commands that choose to bar individuals from reentry may consider it desirable to inform other area commands of this action for their consideration. If such action is desired, commands should forward a complete investigation of the matter to the SAUSA who will recommend appropriate action.

e. Commands shall maintain liaison with the SAUSA to ensure all parties are aware of pending cases and that all witnesses, documents, and evidence will be available for trial.

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8. Evidence. When a case has been forwarded to the SAUSA, the command shall ensure evidence is properly and securely stored. Authorization to destroy evidence shall not be given without SAUSA approval. In the absence of policy to the contrary, the SAUSA may authorize the destruction of evidence when it is no longer needed.



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Chief of Staff

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